



Defendant Smith filed Defendant's Response to the United States' Sentencing Memoranda Regarding Restitution and the Payment of Mandatory Restitution (hereinafter "Defendant's Response") contesting portions of the restitution claims for Entrust Mortgage, Mr. Hicks, and the Homcowner's Associations.

To comply with the Justice For All Act, 18 U.S.C. § 3771, disclosure of those portions of the Government's Restitution Memorandum and the Defense Response which relate to the losses sustained by Entrust Mortgage, Mr. Hicks, and the Homeowner's Associations should be unsealed for the limited purpose of providing the victims the opportunity to review and comment on those pleadings should they choose to do so. The unsealing should be for this limited purpose and should not permit any further dissemination of these pleadings to additional, unidentified parties. The proposed portions of the Government's Restitution Memorandum and the Defense Response that should be disclosed to Entrust Mortgage are attached at Exhibits A and B respectively. The proposed portions of the Government's Restitution Memorandum and the Defense Response that should be disclosed to Mr. Hicks for his claim and the claims on behalf of the Homeowner's Associations are attached at Exhibits C and D respectively.


The undersigned has contacted defense counsel Mr. Robert Blake regarding this matter and Mr. Blake indicated that he has no objection to the partial unsealing of these documents for the limited purpose described herein.

WHEREFORE, in the interest of justice, the government requests this Court to Order the unsealing of (1) the redacted copies of the Government Restitution Memorandum attached hereto at Exhibit A and redacted copies of the Defense Response attached hereto at Exhibit B for the limited purpose of providing to Entrust Mortgage for review and comment; (2) the redacted copies of the Government Restitution Memorandum attached hereto as Exhibit C and redacted

copies of the Defense Response attached hereto at Exhibit D for the limited purpose of providing to Mr. James F. Hicks Jr. for review and comment; and (3) this Motion to Partially Unseal Redacted Documents, to allow the due administration of justice. For all other purposes, the government requests that the original, unredacted, pleadings of the parties remain sealed until further order of this Court.

RESPECTFULLY SUBMITTED, this the 16<sup>th</sup> day of May, 2006.

GRETCHEN C.F. SHAPPERT  
UNITED STATES ATTORNEY



**Craig D. Randall**

Assistant United States Attorney  
NC Bar Number: 26638  
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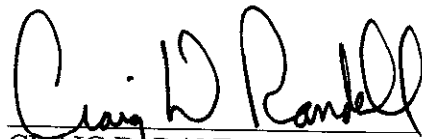
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CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of May 2006, a copy of the foregoing Motion to Partially Unseal Redacted Documents was duly served upon the United States Probation Officer and to defendant through his attorney of record, by depositing copies into the United States mail to the following addresses:

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CRAIG D. RANDALL  
ASSISTANT UNITED STATES ATTORNEY

Upon consideration of the Government's Motion and for good cause shown, this Court orders the unsealing of the Government's Motion, the partial unsealing of the Government's Restitution Memorandum, and the partial unsealing of the Defense Response to that Memorandum in the above-captioned case. The enclosed redacted copies of the Government's Restitution Memorandum and Defendant's Response attached at Exhibits A and B will serve as the unsealed version of these documents for the limited purpose of disclosure to Entrust Mortgage for review and comment only. The redacted copies of the Government's Restitution Memorandum and Defendant's Response attached at Exhibits C and D will serve as the unsealed version of these documents for the limited purpose of disclosure to James F. Hicks Jr. for review and comment only. This Order does not permit any further dissemination of these documents to any individuals beyond those identified in this Order, to wit: Mr. James F. Hicks Jr. and representatives of Entrust Mortgage. These identified parties will not

further disseminate the unsealed documents. The redacted information will remain under seal.

This is the \_\_\_\_ day of May, 2006.

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Graham C. Mullen  
United States District Judge